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Paper No. 6

GAMBRO, INC
PATENT DEPARTMENT
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LAKEWOOD CO 80215

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OFFICE OF PETITIONS

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In re Application of
Luehmann, et al.
Application No.: 10/041,898
Filed: January 7, 2002
Attorney Docket No.: S0002-US02
For: PURIFIED WATER SUPPLY SYSTEM FOR
HIGH DEMAND DEVICES AND APPLICATIONS

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed April 15, 2002 .

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on January 7, 2002 without an executed oath or declaration. Accordingly, on February 14, 2002, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on April 15, 2002, a declaration executed by three of four joint inventors, the petition fee, and the instant petition were filed.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration contains noninitialed, nondated alteration to two of the inventor's addresses. It is unclear as to what their addresses and residences are. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a). An oath

or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Mr. Hannah is REQUIRED. See MPEP 409.03(a).

It is assumed that the address listed on the declaration for Mr. Hannah is his last known address. If this assumption is incorrect, petitioners are asked to inform the Office and provide Mr. Hannah's last known address.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
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Telephone inquiries should be directed to the undersigned at (703) 308-6712.


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